

UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 23-1243 (consol. 23-1177) 2. DATE DOCKETED: 09/08/2023
3. CASE NAME (lead parties only) American Refining Group, Inc. v. U.S. Environmental Protection Agency
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
If YES, cite statute _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: U.S. Environmental Protection Agency
 - b. Give agency docket or order number(s): EPA-HQ-OAR-2021-0427
 - c. Give date(s) of order(s): Published July 12, 2023, 88 Fed. Reg. 44468
 - d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No
If so, when was it filled? _____ By whom? _____
Has the agency acted? ☐ Yes ☐ No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
Petitioners are obligated parties under the Renewable Fuel Standard program and are harmed by
EPA's unlawful, arbitrary & capricious actions in setting the RFS annual volume requirements.
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☒ Yes ☐ No If YES, identify case name(s), docket number(s), and court(s)
See attached list of consolidated cases.
 - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☐ Yes ☒ No If YES, give case name(s) and number(s) of these cases and identify court/agency: _____
 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates. _____

Signature Jonathan G. Hardin Date Sept. 22, 2023

Name of Counsel for Appellant/Petitioner Petitioners American Refining Group, Inc., et al.

Address 700 Thirteenth Street, N.W., Suite 800 Washington, D.C. 20005-3960

E-Mail JHardin@perkinscoie.com Phone (202) 654-6297 Fax (202) 654-6211

ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN REFINING GROUP, INC.;
CALUMET MONTANA REFINING,
LLC; CALUMET SHREVEPORT
REFINING, LLC; ERGON REFINING,
INC.; ERGON-WEST VIRGINIA, INC.;
HUNT REFINING COMPANY; PAR
HAWAII REFINING, LLC; PLACID
REFINING COMPANY LLC; REH
COMPANY; SAN JOAQUIN REFINING
CO., INC.; U.S. OIL & REFINING
COMPANY; WYOMING REFINING
COMPANY; COUNTRYMARK
REFINING AND LOGISTICS, LLC;
THE SAN ANTONIO REFINERY LLC;
WYNNEWOOD REFINING CO., LLC,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. 23-1243

(consolidated with 23-1177)

DOCKETING STATEMENT: LIST OF RELATED CASES

The following are cases, to undersigned counsel's knowledge, that are pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve substantially the same issues as the instant case presents:

- *Center for Biological Diversity v. U.S. EPA*, No. 23-1177 (D.C. Cir. filed July 13, 2023);
- *Neste US, Inc. v. U.S. EPA*, No. 23-1240 (D.C. Cir. filed Sept. 8, 2023);
- *REH Company v. U.S. EPA*, No. 23-1244 (D.C. Cir. filed Sept. 11, 2023);
- *Clean Fuels Alliance America v. U.S. EPA*, No. 23-1245 (D.C. Cir. filed Sept. 11, 2023);
- *Sustainable Advanced Biofuel Refiners Coalition v. U.S. EPA*, No. 23-1246 (D.C. Cir., filed Sept. 11, 2022);
- *American Fuel & Petrochemical Manufacturers v. U.S. EPA*, No. 23-1247 (D.C. Cir. filed Sept. 11, 2023);
- *Coalition for Renewable Natural Gas LLC v. U.S. EPA*, No. 23-1248 (D.C. Cir. filed Sept. 11, 2023);
- *National Wildlife Federation v. U.S. EPA*, No. 23-1249 (D.C. Cir. filed Sept. 11, 2023).

Dated: September 22, 2023

Respectfully submitted,

s/ Jonathan G. Hardin

Jonathan G. Hardin
Alexandra Magill Bromer
PERKINS COIE LLP
700 13th Street, N.W., Suite 800
Washington, D.C. 20005-3960
Telephone: 202.654.6297
Facsimile: 202.654.6211
JHardin@perkinscoie.com
ABromer@perkinscoie.com

Michael R. Huston*
Karl J. Worsham
PERKINS COIE LLP
2901 N. Central Ave., Suite 2000
Phoenix, AZ 85102-2788
Telephone: 602.351.8000
Facsimile: 602.648.7000
MHuston@perkinscoie.com
KWorsham@perkinscoie.com
* *Admitted only in Washington,
D.C.*

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: September 22, 2023

s/ Jonathan G. Hardin

Jonathan G. Hardin
PERKINS COIE LLP